



PATENT
Docket No. 1422-2978

#9
7/22/98
PS

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANTS: Masayuki MARUTA et al.

SERIAL NO.: 08/815,592

GROUP: 1714

FILED: March 12, 1997

EXAMINER: T. Yoon

FOR: POWDER COATING

SEARCHED
SERIALIZED
INDEXED
GROUP 1500
JUL 10 1998

REQUEST FOR RECONSIDERATION

Assistant Commissioner of Patents
Washington, DC 20231

July 8, 1998

Sir:

In reply to the outstanding Office Action dated April 9, 1998, the following remarks are respectfully submitted in connection with the above-identified application.

REMARKS

Claims 2-7 and 9-36 are pending. Claims 2-7 and 22-36 are presently rejected, and claims 9-21 are withdrawn from consideration. No amendments have been made by way of the present submission; thus, no new matter has been added. In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 USC § 102(b)/103(a)

The Examiner has rejected claims 2-7 and 22-36 under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Millar et al., U.S. Patent 3,860,557 (hereinafter referred to as Millar '557). Applicants respectfully traverse.

Millar '557 relates to a powdered composition for electrostatically applying a multilayered coating on a substrate (see abstract, column 2, lines 37-39 of Millar '557). The coating of Millar '557 comprises a plurality of superimposed, distinct layers of film-forming materials (column 2, lines 39-40 of Millar '557).

By contrast, the present invention relates to a combination of two or more powder coatings usable in a powder coating method for forming a coating film having a visually homogeneous hue. The coating film resulting from applying the combination of the powder coatings of the present invention is a single layer having a homogenous hue, not a multilayered coating as disclosed by Millar '557.

Applicants respectfully submit that Millar '557 fails to disclose or suggest a composition comprising powders having different colors of pigments as in the present invention. Accordingly, a coating film formed in Millar '557 cannot have a visually homogeneous hue by admixture of powders having different colors. This fact is clearly shown from the illustrated examples in Millar '557. For instance, in Example 1 of Millar '557, the only pigment in the powder is black epoxy

powder containing carbon black. Thus, Millar '557 fails to meet the limitation of "a coating film having a visually homogeneous hue".

Applicants further submit that the Examiner's assertion at page 2 stating that "Millar teaches a powder coating composition containing at least two different powders having quite similar dielectric constants and quite specific gravities at col. 4, lines 11-15" is incorrect. This will be explained below.

The actual passage at column 4, lines 11-15 in Millar '557 reads as follows:

It will, of course, be realized that one component or one final layer in the coating may be itself a mixture of two or more specific materials -- e.g., two or more thermoplastic polymers having quite similar dielectric constants and quite similar specific gravities.

The "two or more thermoplastic polymers having quite similar dielectric constants and quite similar specific gravities" referred to in this passage are materials contained in one component or one final layer consisting of one powder, because each layer in the multilayered coating would be formed by superimposing each individual powder (in light of the disclosure at column 3, lines 53-56 of Millar '557). This is clearly different from that of the present invention, where the specific gravity or dielectric constant recited in the claims of the present invention does not refer to a value of a polymer *per se*, but rather a powder as a whole. More importantly, the differences in dielectric constants or specific gravities are obtained between one

powder coating and another powder coating, not a difference between different polymers within one powder as disclosed by Millar '557.

The Examiner additionally asserts at the bottom of page 2 of the outstanding Office Action that "[t]he teaching of 'one final layer' in Millar teaches the powders having the same or similar properties since Millar teaches powders having different charge or dielectric constant values yield layers at col. 3, lines 53-57." Once again, although the final layer is marked, Applicants respectfully submit that this is an irrelevant matter with respect to the present invention.

Moreover, Applicants note that Millar '557 discloses that it is required that the dielectric constants and the chargeability are different in order to initially form superimposed layers. Therefore, the larger the differences in dielectric constants and chargeability, the easier the formation of the multilayered structure. In contrast, in the present invention, it is explained at page 13, lines 20-25 that in order not to form a multilayer and to form a coating film having a homogeneous hue, the differences in the dielectric constants and the triboelectric charges between the powder coatings should be small.

Accordingly, Applicants have shown above that the present invention is both novel and nonobvious in view of the disclosure of Millar '557. Thus, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims. If the above remarks fail to overcome the Millar '557 reference, the examiner is


requested to contact the undersigned at the offices of Birch, Stewart, Kolasch and Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Masayuki MARUTA et al.

Serial No.: 08/815,592

Group: 1714

Filed: March 12, 1997

Examiner: T. Yoon

For: POWDER COATING

LARGE ENTITY TRANSMITTAL FORM

Assistant Commissioner for Patents
Washington, DC 20231

July 8, 1998

Sir:

Transmitted herewith is an amendment in the above-identified application.

— The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

___ The enclosed document is being transmitted via facsimile.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	39	-	39	=	0	\$ 22	\$0.00
INDEPENDENT	4	-	4	=	0	\$ 82	\$0.00
_____ FIRST PRESENTATION OF A MULTIPLE CLAIM						\$270	\$0.00
						TOTAL	\$0.00

Serial No. 08/815,592

— Petition for _____ month(s) extension of time pursuant to 37 CFR §§ 1.17 and 1.136(a). \$_____ for the extension of time.

X No fee is required.

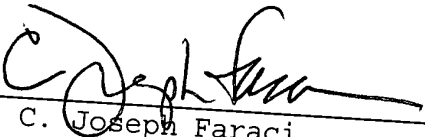
— A check in the amount of \$_____ is enclosed.

— Please charge Deposit Account No. 02-2448 in the amount of \$_____. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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